

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

*

DOCKET NO. 2:11-CR-042

v.

*

SECTION: “I”

LEONIDAS CABALLERO

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FACTUAL BASIS

Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the indictment now pending against the defendant:

The Defendant, **LEONIDAS CABALLERO** (hereinafter “**CABALLERO**”) has agreed to plead guilty as charged to the one-count indictment charging him with illegal reentry of a removed alien in violation of Title 8, United States Code, Section 1326(a).

An Immigration and Customs Enforcement agent (hereinafter the “agent”) would testify that on or about February 4, 2011, Immigration and Customs Enforcement (hereinafter “ICE”) was notified via the Secured Communities program that the defendant, **CABALLERO**, was in state

custody at the Kenner City Jail in Jefferson Parish, in the Eastern District of Louisiana. The ICE agent would testify that the Secured Communities program uses Federal fingerprint-based biometric information to identify aliens who are arrested for a crime and booked into local law enforcement custody. Upon determining the defendant was illegally in the United States and upon his release from the custody of the State of Louisiana, the defendant was detained and arrested by an ICE agent.

The agent would testify that he conducted record checks through various United States Department of Homeland Security databases, which revealed that the defendant was a citizen of Honduras and illegally present in the United States.

Documentation from the records of ICE, contained in the defendant's Alien file, including a Warrant of Removal/Deportation, complete with the defendant's fingerprints, photographs and signature, would demonstrate that the defendant, **CABALLERO**, was deported and removed from the United States to Honduras on or about April 17, 2008, at or near Alexandria, Louisiana. A qualified ICE Fingerprint Specialist would testify that the fingerprints of the individual documented in the Alien file containing the Warrant of Removal/Deportation and the fingerprints of the defendant are the same. Documentation from the Alien file would further show that the defendant is an alien, and not a citizen or national of the United States.

Testimony of an official from United States Citizenship and Immigration Services regarding record checks conducted through the Computer Linked Application Information Management System would show that the defendant, **CABALLERO**, did not receive consent from the United States Attorney General or his designated successor, the Secretary of the Department of Homeland Security, to apply for readmission or receive permission to reenter the United States since the time of the defendant's previous removal.

Further documents, court records, and other admissible evidence would show that on or about December 19, 2007, in the United States District Court for the Eastern District of Louisiana, the defendant, **CABALLERO**, was convicted of reentry of a deported alien, a felony.

ROBERT WEIR
Special Assistant United States Attorney
Mississippi Bar No. 101464

Date

LEONIDAS CABALLERO
Defendant

Date

SAMUEL SCILLITANI
Assistant Federal Public Defender
LA Bar Roll No. 21371
Attorney for the Defendant

Date